



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

### Dispute Codes      RP

This hearing was convened in response to an application by the Tenant for an order for repairs pursuant to section 26 of the *Manufactured Home Park Tenancy Act* (the “Act”).

The Landlord did not attend the hearing. The Tenant states that it did not give a copy of the application for dispute resolution and notice of hearing to the Landlord as the Tenant was not informed this was necessary.

Section 59(3) of the Act provides that a person who makes an application for dispute resolution must give a copy of the application to the other party within 3 days of making the application. Section 89(1) of the Act provides that an application for dispute resolution must be given in one of the following ways:

- (a) by leaving a copy with the person;
- (b) if the person is a landlord, by leaving a copy with an agent of the landlord;
- (c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;
- (d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;
- (e) as ordered by the director under section 71 (1) [*director's orders: delivery and service of documents*].

Rule 3.1 of the Residential Tenancy Branch (the “RTB”) Rules of Procedure provides that an applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the RTB, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the RTB, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the RTB; and
- d) any other evidence submitted to the RTB directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an Application for Dispute Resolution*].

Given the Tenant's evidence of not having been provided with instructions for serving the application and notice of hearing I would encourage the Tenant to review the materials it received from the RTB in relation to these proceedings for any error that may have occurred. Nonetheless as the Tenant did not give a copy of the application for dispute resolution and the notice of hearing to the Landlord, I cannot find that service has been accomplished as required by the Act. I therefore dismiss the application with leave to reapply. Leave to re-apply is not an extension of any applicable limitation period.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: February 15, 2018

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Residential Tenancy Branch